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10 Attorneys for Debtor/Debtor in Possession

11 **UNITED STATES BANKRUPTCY COURT**  
12 **DISTRICT OF NEVADA**

13 In re: CASE NO.: BK-N-20-50471-BTB  
14 Chapter 11 Subchapter V

15 ALY EATERY, INC,

16 Debtors.

17 **DECLARATION OF KEVIN A. DARBY,**  
18 **ESQ. IN SUPPORT OF MOTION FOR**  
19 **ORDER AUTHORIZING DEBTOR TO**  
20 **CONTINUE USING EXISTING BANK**  
21 **ACCOUNT**

22 Hearing Date: June 17, 2020  
23 Hearing Time: 2:00 p.m.

24 \_\_\_\_\_  
25 KEVIN A. DARBY, ESQ. under penalty of perjury states as follows:

- 26 1. I am counsel for Debtor and Debtor in Possession, ALY EATERY, INC.
- 27 2. Debtor maintains one business bank account, which is at Bank of America, N.A.  
28 (“Debtor’s Bank Account”).
3. On May 8, 2020, I sent an email to Bank of America’s bankruptcy debtor-in-  
possession account department, using contact information provided by the Office of the United  
States Trustee. The purpose of my email was to seek a debtor-in-possession designation for  
Debtor’s Bank Account. A true copy of that email is attached hereto as Exhibit 1.
4. On May 8, 2020, I received a response email from Bank of America, a true copy of  
which is attached hereto as Exhibit 2.

DATED this 20<sup>th</sup> day of May, 2020.

/s/ Kevin A. Darby

\_\_\_\_\_  
KEVIN A. DARBY, ESQ.

**EXHIBIT 1**

**EXHIBIT 1**

**kad@darbylawpractice.com**

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**From:** kad@darbylawpractice.com  
**Sent:** Friday, May 8, 2020 10:30 AM  
**To:** 'dip\_bankruptcy2@baml.com'  
**Cc:** 'Alicia Youngberg'  
**Subject:** Aly Eatery, Inc.

Dear Bank of America:

I represent Aly Eatery, Inc. in a pending Chapter 11 bankruptcy case in the U.S. Bankruptcy Court for the District of Nevada (Case No. 20-50471-btb). My Client has an existing business checking account with Bank of America with the last four digits of the account number being 0360. Alicia Youngberg, the President of Aly Eatery, Inc. and the authorized signor on the checking account, is copied on this email.

My Client would like to add a "Debtor In Possession" account designation to the existing checking account. Please let us know what needs to be done to accomplish this.

Respectfully,

KEVIN A. DARBY, ESQ.  
**DARBY LAW PRACTICE, LTD.**  
4777 Caughlin Parkway  
Reno, NV 89519  
Tel.: 775.322.1237  
Fax: 775.996.7290

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**EXHIBIT 2**

**EXHIBIT 2**

**Reply**   **Reply All**   **Save As...**

**Help**

**RE: Aly Eatery, Inc. [Sent To: dip\_bankruptcy2@baml.com]**

From: DIP\_Bankruptcy  
To: kad@darbylawpractice.com  
Cc:  
Sent: 5/8/2020 10:53:24 AM

Hello Kevin,

Please be advised Bank of America is still listed on the approved Banking List with the EOUST for Debtor in Possession relationships.

However, only clients with an **existing Commercial Banking relationship with an assigned banker will be serviced**. We will not open or service any Debtor in Possession account for a consumer or small business relationship, whether an existing client of Bank of America's or not.

Please assist the client by recommending another EOUST approved institution.

We apologize for any inconvenience.

Thank you,  
DIP\_Bankruptcy

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**From:** kad@darbylawpractice.com [mailto:kad@darbylawpractice.com]  
**Sent:** Friday, May 08, 2020 1:30 PM  
**To:** DIP\_Bankruptcy <dip\_bankruptcy2@bofa.com>  
**Cc:** 'Alicia Youngberg' <aliciayoungberg32@charter.net>  
**Subject:** Aly Eatery, Inc. [Sent To: dip\_bankruptcy2@baml.com]

Dear Bank of America:

I represent Aly Eatery, Inc. in a pending Chapter 11 bankruptcy case in the U.S. Bankruptcy Court for the District of Nevada (Case No. 20-50471-btb). My Client has an existing business checking account with Bank of America with the last four digits of the account number being 0360. Alicia Youngberg, the President of Aly Eatery, Inc. and the authorized signor on the checking account, is copied on this email.

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Respectfully,

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